

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

MICHAEL SEAN RUSSELL,

Plaintiff,

v.

**MILLER HARDWARE COMPANY
LLC,**

Defendant.

:
:
:
:
:
:
:
:
:
:

CASE NO: 7:24-cv-47 (WLS)

ORDER

Before the Court is the Defendant's Unopposed Motion for Leave to File an Amended Answer and Affirmative Defenses (Doc. 13) ("Motion"). Therein, Defendant requests that it be allowed to amend its answer to include additional affirmative defenses. Defense Counsel represents that he conferred with Plaintiff's counsel, who advised that she does not oppose the Motion. Defendant's original answer (Doc. 6) was served on June 17, 2024. As more than twenty-one days have passed since Defendant served its answer, Defendant may amend its answer "only with the opposing party's *written* consent or the court's leave. The court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2) (emphasis added). Plaintiff's counsel has not signed the Motion, nor provided other *written* consent as required by Rule 15(a)(2).

The Court does not question the veracity of Defense Counsel's representation as to the consent of Plaintiff's counsel. However, such representation is insufficient in this instance as it does not conform to the requirements of Rule 15(a)(2).

Accordingly, decision on the Motion (Doc. 13) will be held in abeyance pending the filing of a response which includes Plaintiff's written consent, or the expiration of the response deadline, whichever occurs first.

SO ORDERED, this 26th day of August 2024.

/s/W. Louis Sands

**W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT**